United Nations A/70/315

General Assembly

Distr.: General
12 August 2015

Original: English

**Seventieth session**
Item 69 (a) of the provisional agenda*
**Promotion and protection of the rights of children**

# Status of the Convention on the Rights of the Child**

## Report of the Secretary-General

*Summary*

In its resolution 69/157, the General Assembly requested the Secretary-General to submit to it at its seventieth session a report containing information on the status of the Convention and on the issues addressed in the resolution, with a focus on the right to education. In the present report the progress achieved is considered, together with the remaining implementation challenges and gaps with regard to the realization of children's right to education. A number of proposals are made on the ways to implement this fundamental human right of children.

* A/70/150.

** Late submission.

15-12577 (E) 310815

Please recycle

# I. Introduction

1. In its resolution 69/157, the General Assembly requested the Secretary-General to submit to the Assembly at its seventieth session a report on the status of the Convention on the Rights of the Child and the issues addressed in the resolution, with a focus on the right to education. The present report is submitted in accordance with that request.

# II. Status of the Convention on the Rights of the Child

2. As of 1 July 2015, the Convention on the Rights of the Child[1] had been ratified or acceded to by 195 States. South Sudan acceded to the Convention on 23 January 2015. Two Member States, namely, Somalia[2] and the United States of America, are not yet parties to the Convention.

3. As at 1 July 2015, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict[3] had been ratified or acceded to by 159 States, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography[4] had been ratified or acceded to by 169 States.

4. Additionally, as at 1 July 2015, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure[5] had been ratified or acceded to by 17 States.

# III. Reporting under the Convention on the Rights of the Child

5. During the reporting period, the Committee on the Rights of the Child held its sixty-seventh to sixty-ninth sessions.

6. As at 1 July 2015, the Committee had received initial reports from all but two States Parties, namely, Nauru and Tonga. All initial reports submitted have been reviewed by the Committee. In total, the Committee has received 643 reports submitted pursuant to article 44 of the Convention.

7. Furthermore, the Committee has received 103 reports and 1 second periodic report under the Optional Protocol to the Convention on the involvement of children in armed conflict, and 91 reports and 1 second periodic report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

8. The Chair of the Committee will present an oral report on the work of the Committee and engage in an interactive dialogue with the General Assembly at its seventieth session as a way to enhance communication between the Assembly and the Committee, in accordance with Assembly resolution 69/157.

---

[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[2] Somalia ratified the Convention in January 2015. The ratification process will be finalized with the deposit of the instruments of ratification with the United Nations.

[3] United Nations, *Treaty Series*, vol. 2173, No. 27531.

[4] Ibid., vol. 2171, No. 27531.

[5] General Assembly resolution 66/138, annex.

# IV. Realizing the right to education for all children

## A. Human right of children to education

9. The right of the child to education is expressed in articles 28 and 29 of the Convention and is supported by other internationally recognized human rights, such as those set out in article 13 of the International Covenant on Economic, Social and Cultural Rights, article 10 of the Convention on the Elimination of All Forms of Discrimination Against Women, and article 24 of the Convention on the Rights of People with Disabilities. In the Convention on the Rights of the Child, States Parties are called upon to make primary education compulsory and free to all, on the basis of equal opportunity (art. 28). They are also called upon to make secondary education, including general and vocational education, available and accessible to all children, to make higher education accessible to all, and to take measures to encourage regular attendance at school and to reduce drop-out rates. Outlined in article 29 of the Convention are the central aims of education, which include the development of the child's personality, talents and abilities; of respect for human rights; and of respect for his or her parents, cultural identity, language and values; the preparation of the child for responsible life in a free society; and the development of respect for the natural environment. The right to education is guided by the Convention's core principles of non-discrimination (art. 2); the best interests of the child (art. 3); the right to life, survival and development (art. 6); and the right to express views and have them be given due weight (art. 12).

10. A number of global political commitments have sought to advance progress in the universal access to education, on the basis of equality. In the United Nations Millennium Declaration and Millennium Development Goals (General Assembly resolution 55/2), Member States resolved to ensure that by 2015 children everywhere, boys and girls alike, would be able to complete a full course of primary schooling and that girls and boys would have equal access to all levels of education (Goal 2), and to eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015 (Goal 3).[6] In the Dakar Framework for Action (2000), led by the United Nations Educational, Scientific and Cultural Organization (UNESCO), six goals, to be met by all countries by 2015, were specified which further mobilized efforts to strengthen the realization of the right to education, generating new data and monitoring frameworks to track progress in education globally.[7] Together, those efforts resulted in noteworthy progress for children, particularly in increasing access to education and reducing gender disparities.

11. The Incheon Declaration[8] was adopted in May 2015 at the World Education Forum, organized by UNESCO with the United Nations Children's Fund (UNICEF), the World Bank, the United Nations Population Fund (UNFPA), the United Nations Development Programme, UN-Women and the Office of the United Nations High Commissioner for Refugees. The Declaration sets out a vision for education over the next 15 years that reaffirms the commitments of countries and the global community to act with a sense of urgency towards a single, renewed agenda that is

[6] See www.un.org/millenniumgoals/.

[7] See www.unesco.org/new/en/education/themes/leading-the-international-agenda/education-for-all/efa-goals/.

[8] See https://en.unesco.org/world-education-forum-2015/incheon-declaration.

holistic, ambitious and leaves no one behind. The Incheon Declaration will be implemented through the Education 2030 Framework for Action, a road map for Governments, to be adopted by the end of 2015.

12. This new vision is reflected in the agreed Sustainable Development Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all and its corresponding targets, and is rooted in a humanistic framework for education and development based on human rights and dignity; social justice; inclusion; protection; cultural, linguistic and ethnic diversity; and shared responsibility and accountability. In the Incheon Declaration, it is reaffirmed that education is a public good, a fundamental human right and a basis for guaranteeing the realization of other rights. It is also aimed at addressing commitments that have yet to be fully met in areas such as quality universal primary and secondary education for all girls and boys.

## B. Right to enjoy access to education

### Primary and secondary education

13. Reflecting article 28 of the Convention on the Rights of the Child, it is stated in the Dakar Framework for Action, adopted by the World Education Forum in 2000, that primary school shall be compulsory, available and free for all. Secondary education, including technical and vocational skills development, and higher education, shall be available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.[9] The main overlapping dimensions of accessibility as it relates to all forms of education, primary and secondary in particular, include non-discrimination, in law and in fact, and especially towards the most vulnerable groups; physical accessibility; and economic accessibility.[10] The Incheon Declaration is aimed at strengthening educational access through a commitment to providing 12 years of free, publicly funded, equitable, quality primary and secondary education that leads to relevant learning outcomes.[11]

14. As a result of global efforts to achieve full enrolment of all children in primary school, the percentage of children attending primary school in developing regions increased from 83 to 90 per cent between 2000 and 2012[12] and is estimated to reach 93 per cent in 2015.[13] The largest gains have been made in sub-Saharan Africa (from 59 to 79 per cent between 1999 and 2012) and South and West Asia (from 78 to 94 per cent during the same period). This means that the number of out-of-school children has decreased, although an estimated 58 million children are still out of school. Enrolment in lower and upper secondary education has also increased since 1999.[14]

---

[9] See Committee on Economic, Social and Cultural Rights, general comment No. 13, on the right to education (article 13 of the Covenant), paras. 14 and 44.

[10] Ibid., para. 6 (b).

[11] See https://en.unesco.org/world-education-forum-2015/incheon-declaration.

[12] The Millennium Development Goals report 2014 (United Nations, New York).

[13] See UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015: Achievements and Challenges* (Paris, 2015).

[14] Ibid.

15. Among the most significant factors behind the increased demand for secondary education is the rising rate of primary education completion in many countries. Globally, the rate of lower secondary completion has increased by 66 per cent in low- and middle-income countries, with the most progress in the East Asia and Pacific region. Girls' education is also central to sustaining social, cultural, economic and political change.[15] Gender disparity is particularly acute at lower secondary level, with only about 56 per cent of countries expected to achieve gender parity in lower secondary education by 2015. Transition from primary to lower and upper secondary school is particularly difficult for girls. Gender-based discrimination and social norms permeate societies and contribute to preventing girls' access to quality secondary education. The most visible of all global mechanisms associated with gender equality is the multi-stakeholder partnership known as the United Nations Girls' Education Initiative, whose policy advocacy agenda has raised awareness of the importance of girls' education and which, together with the Global Partnership for Education, has influenced the integration of gender equity into education sector plans and policies.

16. Evidence continues to show that marginalization compounds inequalities and is a barrier to access to education. Currently, the world's poorest children are four times more likely not to go to school than the world's richest children, and five times more likely not to complete primary school.[16] In some African countries, for example, parents living in the poorest rural communities often finance their children's education themselves (paying a large share of primary teachers' salaries), while those in better-off urban areas benefit from publicly financed teachers.[17] Key factors that have contributed to increasing access to primary school have included abolishing school fees, increasing demand through cash transfers, implementing school feeding programmes, increasing the supply of schools and classrooms, and investing in health and infrastructure.

17. Efforts to eliminate disparities in access for girls have also progressed, with all regions close to achieving gender parity in primary education by 2012.[18] For example, as the country that ranked the lowest in school enrolment of girls, Afghanistan overcame major obstacles to raise the enrolment ratio from less than 4 per cent in 1999 to 87 per cent in 2012.[19] In this case, eliminating long journeys to schools by creating village-based schools in rural areas was found to be among the key factors leading to increased access for girls.[20] Retention, however, remains a significant barrier to gender equality and is reflected in wider and more varied disparities in secondary education,[21] where incidents of violence, sexual abuse, child

[15] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16087&LangID=E.

[16] UNICEF, *The investment case for education and equity* (New York, 2015).

[17] World Bank, *Six steps to abolishing primary school fees: operational guide, school fee abolition initiative* (Washington, D.C., 2009), p. 41.

[18] See The Millennium Development Goals report 2014, pp. 20-23.

[19] See UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015* (see footnote 13).

[20] See Dana Burde and Leigh Linden, "Bringing education to Afghan girls: a randomized controlled trial of village-based schools," in *American Economic Journal: Applied Economics*, vol. 5, No. 3 (July 2013).

[21] See UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015* (see footnote 13), pp. 160-163.

marriage,[22] child labour and gender-based social norms often become more prominent.

18. Inclusivity is a fundamental principle of quality education and can also be a major determinant in a child's ability to access educational facilities. Education that is accessible recognizes and is responsive to the different needs of children, including the most marginalized. Children with disabilities, for example, can face a number of barriers to access, such as physical impediments, discriminatory legislation, inadequate understanding of their disability and social stigma.[23] According to some estimates, in Africa, approximately 90 per cent of children with disabilities are currently out of school.[24] In response to this issue, some countries have begun to organize teacher training to support the inclusion of children with disabilities in regular classrooms.[25]

19. The Committee on the Rights of the Child has consistently underscored the need for States to take positive measures to address disparities in access to education for marginalized and vulnerable groups. This is critical, because evidence suggests that, if recent trends continue, universal primary completion in sub-Saharan Africa, for example, will be achieved only in 2069 for the poorest boys and in 2086 for the poorest girls.[26] The Special Rapporteur on the right to education has also highlighted the need for the right to education to be legally enforceable at the national level to make its implementation more effective.

**Out-of-school children and alternative models of education**

20. Of the 58 million children of primary school age estimated to be out of school, approximately 50 per cent live in conflict-affected areas, although these areas are home to only 22 per cent of the world's primary school-age population.[27] Maintaining the availability of education for children in conflict-affected settings is critical, especially because the consequences are so dire. In the Syrian Arab Republic, for example, the loss of access to education for more than 3 million children, with thousands more unable to enrol, has led to warnings that an entire generation may be lost.[28] The lack of access to education for children in conflict-affected areas may even be a factor in compounding violence.[29]

21. At the World Education Forum held in Dakar in 2000 six goals were adopted, aimed at guaranteeing that all children, youth and adults receive a quality education. This was further spelled out in the Dakar Framework for Action. Since 2000, education in situations of crisis and emergency has been recognized as a new field both in the Education for All Goals and by the General Assembly.[30] The United Nations and international non-governmental organizations that attended the Forum

[22] See A/HRC/26/22.

[23] UNICEF, Children and young people with disabilities fact sheet (New York, May 2013).

[24] See UNICEF, *The investment case for education and equity* (New York, 2015), p. 36.

[25] See www.savethechildren.org.uk/sites/default/files/docs/making-schools-inclusive_1.pdf.

[26] www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/GMR/images/2014/day_of_african_child.pdf.

[27] See The Millennium Development Goals report 2014 (United Nations publication, New York), pp. 16-19.

[28] UNICEF, "No lost generation: protecting the futures of children affected by the crisis in Syria" (New York, January 2014).

[29] See United Nations Peacebuilding Support Office, *Peace dividends and beyond: contributions of administrative and social services to peacebuilding* (New York, 2012).

[30] See General Assembly resolution 64/290.

formed the Inter-Agency Network for Education in Emergencies, which has grown into a vast network of organizations and individuals working in more than 170 countries. The Network's Minimum Standards for Education in Emergencies were a key advance, developed during a year-long process in 2003, with contributions from some 2,250 individuals and more than 50 countries.[31] One of the most significant developments related to education in emergencies has been the cluster approach of the Inter-Agency Standing Committee, which promotes the coordination of a strong education response.[32] At the global level, the Education Cluster Unit and the Education Cluster Working Group focus on strengthening capacity to prepare for, respond to and recover from emergencies, while, at the country level, education clusters have been activated in more than 40 countries.

22. Research suggests that, in contexts affected by conflict, the provision of education can help diffuse tensions and build public confidence, while providing children with the space to attain tangible skills to mitigate conflict, learn and grow in a stable environment.[33] Since 2012, UNICEF, along with national and international partners, has developed and piloted peacebuilding and education programming focused on reaching children and youth who are both in and out of school, with conflict-sensitive education through systemic and individual-level interventions. A new Adolescent Kit for Expression and Innovation is currently in use in four countries to support adolescents' development and competencies as peacebuilders.[34]

23. Humanitarian crises pose a significant threat to access to education, as was seen with the outbreak of the Ebola virus disease in March 2014, which has claimed more than 9,000 lives. Owing to the state of emergency, all schools in Guinea, Liberia and Sierra Leone closed for several months, affecting 5 million children from preschool to the secondary level. UNICEF has worked closely with the Ministries of Education and Health and key partners such as the United States Centers for Disease Control and Prevention, the World Health Organization (WHO) and Save the Children to develop national protocols in the three countries to support the safe reopening of schools, and to help stop the virus spreading by conducting teacher training, using radio programmes and providing distance-learning opportunities.

24. High drop-out rates also remain a major impediment to the realization of universal primary education for all children, with poor children five times more likely to be among the estimated 100 million children who drop out.[35] Contributing factors include children being over-age for their grade owing to late entry; the direct cost of schooling; travelling long distances from home to school; the taxing combination of work and study; and lack of birth registration.[36] There is also an

[31] See UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015* (see footnote 13), p. 105.

[32] Ibid.

[33] See United Nations Peacebuilding Support Office, *Peace Dividends and Beyond: Contributions of Administrative and Social Services to Peacebuilding* (New York, 2012).

[34] See www.adolescentkit.org.

[35] UNESCO, *Education for All Global Monitoring Report 2015, Education for All 2000-2015* (see footnote 13).

[36] See The Millennium Development Goals report 2014 (United Nations publication, New York); and UNESCO Institute for Statistics and UNICEF, *Fixing the broken promise of education for all: findings from the Global Initiative on Out-of-School Children* (Montreal, 2015).

"opportunity cost", whereby the absence of quality education provision can act as a "push" factor leading to children dropping out of school and entering the labour force before the legal minimum age of employment. To address such challenges, the International Programme on the Elimination of Child Labour, for example, has successfully worked with Governments to develop vocational training, including for girls, as a way to help children transition to formal schooling.[37] In Thailand, UNESCO supports a mobile literacy for out-of-school children project for 4,000 migrant, stateless and ethnic minority children at 60 learning centres to enhance literacy in their mother tongue and numeracy through mobile devices and e-learning games.[38] The Committee on the Rights of the Child has also highlighted the aspect of adaptability, calling on States to modify education to accommodate children and families whose livelihoods are based on pastoralism, fishing, mining and farming, for example.[39] The Committee has called on States to tackle barriers to access, including by addressing the gendered dimension of retention. For girls, this may require promoting positive values and attitudes towards girls' education, providing incentives to offset school and opportunity costs, and addressing child marriage and issues surrounding adolescent pregnancy. UNFPA has reinvigorated country and regional efforts for delivering comprehensive sexuality education in a safe learning environment, enabling adolescents to make informed and autonomous decisions about their sexual and reproductive health, including with regard to preventing HIV, in countries such as Argentina, Azerbaijan, Colombia and Nepal.[40] Sexuality education, as an important component of a child's right to information, is also part of the UNESCO strategy on HIV and AIDS prevention that is being implemented in more than 20 countries in Eastern and Southern Africa, and illustrates the interrelatedness of health with achieving educational outcomes.[41]

25. In response to challenges in access, some countries have committed to meeting the educational needs of out-of-school children and youth whose formal education opportunities were cut short, through alternative, "second chance" and non-formal education programmes.[42] In Bangladesh, the programmes of the non-governmental organization BRAC help bring out-of-school children into the primary education system and prepare them for the secondary level, resulting in more than 97 per cent of BRAC primary-school graduates continuing on to formal secondary school.[43] The provision of financial support for children from poor families is a key strategy for this approach.

**Early childhood education**

26. A key factor found to increase school enrolment at the primary and secondary levels has been early childhood care and education, which is one of the six goals of the Dakar Framework. From 1999 to 2012, there was an increase of nearly two

[37] See ILO, International Programme on the Elimination of Child Labour, "Combating child labour through education", January 2008.

[38] Submission from UNESCO for the purpose of the present report.

[39] See CRC/C/TZA/CO/3-5, para. 60.

[40] UNFPA, *Operational guidance for comprehensive sexuality education* (New York, 2014).

[41] See www.unesco.org/new/en/hiv-and-aids/our-priorities-in-hiv/sexuality-education/east-and-southern-africa-commitment/.

[42] UNESCO, *Education for All Global Monitoring Report 2015, Education for All 2000-2015* (see footnote 13), pp. 124-126.

[43] R. Banerji, "Second chance programmes in South Asia", background paper for *Education for All Global Monitoring Report 2015*.

thirds, or more than 184 million children, in pre-primary education enrolment worldwide.[44] Many States are developing a multisector approach to early childhood services, encompassing joint initiatives in health, nutrition, child protection and education while providing support to families and care providers.

27. While there is no single pathway or model for early childhood education, the benefits of an integrated approach are well documented. One initiative in Jamaica, for example, provided psychosocial support through home visits to parents of children aged from 9 to 24 months who were living in poverty and were stunted. Twenty-five years later, the study revealed that the children who received those services had 25 per cent higher earnings and were less likely to engage in crime than those in a control group made up of non-stunted peers.[45] In Colombia, children are guaranteed adequate nutrition, pre-primary education and comprehensive health care, resulting in significant progress in reaching low-income children under 5.[46] Implementation remains uneven, however, and is subject to the political willingness of governors and mayors at the local level to secure the provision of services. The development and expansion of early childhood education should therefore be a priority for global investments in education, given the strong returns in educational outcomes and in addressing underlying causes of poverty and inequity.

**Broad, relevant and inclusive quality education**

28. At the broadest conceptual level, quality education has been generally understood to refer to the "four pillars of education" (learning to know, learning to do, learning to live together and learning to be).[47] As outlined in article 29 of the Convention, education must enable every child to acquire the core academic curriculum and essential life skills.

29. Integral to a quality education curriculum is equipping children with the ability to learn and claim their rights as rights holders. In the Declaration on Human Rights Education and Training, adopted by the General Assembly in December 2011, and the Plan of Action for the first phase of the World Programme for Human Rights Education it is recognized that human rights education is fundamental for the realization of human rights and is also an essential component of quality education. The Special Rapporteur on the right to education has emphasized that achieving knowledge and skills in mathematical and scientific literacy and languages is not the sole reference for quality education, and that human rights values and democratic principles such as inclusion and participation should be at the forefront of any discourse on quality education.[48] UNFPA gives attention to the needs of vulnerable adolescent girls through its Action for Adolescent Girls initiative and programmes on child marriage in several countries where the agency is expanding girls' education initiatives in non-formal settings.

30. UNESCO coordinates the United Nations Decade of Education for Sustainable Development, which has generated many success stories, to be scaled up, with the

[44] UNESCO, *Education for All Global Monitoring Report 2015, Education for All 2000-2015* (see footnote 13).
[45] Ibid.
[46] Ibid.
[47] UNESCO, "Learning: the treasure within", report of the International Commission on Education for the Twenty-first Century, highlights (Paris, 1996).
[48] See A/HRC/20/21.

importance of education now duly recognized in many intergovernmental agreements on sustainable development.[49] In May 2012, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) adopted a human rights, conflict resolution and tolerance education policy, in line with the Convention and the World Programme for Human Rights Education, to empower children to know and exercise their rights. Children's participation is also being realized in UNRWA schools through elected school parliaments that represent the student body.[50]

31. Human rights education is central to quality because it relates to the experiences that children live through on a daily basis. Where curriculums are designed to help develop essential life skills that contribute to future employment and empower girls, children can become more active learners and will be better equipped to play an active role in their communities and societies.[51] UNESCO has taken the lead in advancing global citizenship education, which is aimed at empowering learners of all ages to become engaged and assume active roles to face and resolve global challenges.[52]

**A child-friendly, safe and healthy environment**

32. A growing number of countries, including Nicaragua, Thailand and Uganda, have adopted a child-friendly school model that provides for a safe, healthy and protective educational environment based on inclusiveness, gender sensitivity, tolerance and dignity, and which involves the participation of students, families and communities.[53] The World Food Programme (WFP) estimates that, while 49 per cent of schoolchildren receive free meals in middle-income countries, the figure for low-income countries is 18 per cent. It was noted in a study on school feeding by WFP in partnership with the World Bank and the Partnership for Child Development that 38 countries had scaled up school feeding in response to crisis since 2008, underscoring its importance as a social safety net.[54]

33. In emergency settings, the Inter-Agency Network for Education in Emergencies addresses the issue of quality education through its minimum standards, which call for, among other things, separate toilets for boys and girls that lock from the inside; mine-risk education and education about the dangers of explosive remnants of war; and clear referral systems in cases of abuse or exposure to violence.[55]

[49] See UNESCO, *Roadmap for implementing the Global Action Programme on Education for Sustainable Development* (Paris, 2014), available from http://unesdoc.unesco.org/images/0023/002305/230514e.pdf.

[50] Submission from UNRWA for the purposes of the present report.

[51] See http://learningforpeace.unicef.org/about/learning-for-peace.

[52] See UNESCO, "Global citizenship education: preparing learners for the challenges of the 21st century"; "Global citizenship education: topics and learning objectives"; and the UNESCO Clearinghouse on global citizenship education, available from www.unesco.org/new/en/global-citizenship-education.

[53] UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015* (see footnote 13).

[54] See www.wfp.org/content/state-school-feeding-worldwide-2013.

[55] See www.ineesite.org/en/minimum-standards.

**Adequate training and support for teachers**

34. Adequately training and supporting teachers is fundamental, as support for teachers and teacher quality can have direct implications for learning, and both teachers and students can benefit from reduced teacher/student ratios in the classroom. The tracking of Education for All goal 6 on the quality of education indicates a decrease in pupil/teacher ratios globally between 2000 and 2015, with a decline in 83 per cent of the 146 countries with data at the primary education level.[56] However, particularly where progress has been made in primary school enrolment, some countries have struggled to keep their teaching force. On the basis of current estimates, achieving universal primary education will not be possible unless additional teachers are recruited, with sub-Saharan Africa being the region most in need.

35. Moreover, evidence shows that there is a need to recruit qualified teachers, including female teachers and teachers from other marginalized groups; secure fair remuneration and dignified working conditions; invest in teacher training; and develop and implement codes of conduct that address all forms of violence against children.[57] Governments have attempted to address challenges to teacher deployment in various ways, including centralized deployment; incentives such as housing, financial benefits and accelerated promotion; and local recruitment.[58] In Singapore, for example, top secondary school students received competitive monthly stipends while still in school, in exchange for a commitment of three years of teaching upon graduation.[59]

36. Targeted, school-based support has also been found to strengthen teacher quality in a more consistent manner, through programmes such as the Save the Children Rewrite the Future global campaign to train and support teachers in conflict-affected countries.[60] Innovative use of technologies for delivering in-service training and continuous professional development opportunities, and for supporting teaching in the classroom, has the potential to further motivate and retain teachers in the profession, as demonstrated by the ongoing efforts of UNESCO in sub-Saharan Africa.

**Rights-based assessment and measurement of outcomes**

37. Assessing learning outcomes is complex and requires further attention at the national and global levels. The number of countries conducting national assessments increased significantly between 1990 and 2013.[61] However, many countries lack

[56] See UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015*, (see footnote 13).

[57] Office of the Special Representative of the Secretary-General on Violence against Children, "Tackling violence in schools: a global perspective — bridging the gap between standards and practice" (New York, March 2012).

[58] A. Chudgar and T. Luschei, "Evolution of policies on teacher deployment to disadvantaged areas", background paper for the *Education for All Global Monitoring Report, Education for All 2000-2015*.

[59] See OECD, "Building a high-quality teaching profession: lessons from around the world", background report for the International Summit on the Teaching Profession (Paris, 2011).

[60] See Save the Children, F. Hardman, Institute for Effective Education, University of York, "A review of Save the Children's global teacher support and development interventions".

[61] See UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015* (see footnote 13).

solid, regular, inclusive national assessments. Even well-integrated assessments face challenges, such as overburdening teachers and overemphasizing children's literacy and mathematics skills at the expense of other life skills. Ensuring that assessments are free of implicit or cultural bias is another issue that some countries have faced, where tests have been found to implicitly favour children from dominant groups over children who are marginalized.[62]

38. Citizen-led assessments which are aimed at strengthening education policy and practice have recently gained ground and have prompted volunteers to conduct household-based surveys in some developing countries.[63] In India, girls' and boys' basic reading and mathematics skills are assessed for the annual status of education report, initiated by community-based organizations in 2005.[64] Participatory approaches to assessment, including those that directly engage citizens and other stakeholders, may generate greater engagement in the educational process. However, participation alone may not translate into better educational outcomes for children.

## C. Respect for children's rights in the learning environment

### Respect for identity

39. The Committee on the Rights of the Child has underscored that children do not lose their human rights by virtue of passing through the school gates.[65] In articles 29 and 30 of the Convention, for example, the right of children to their own cultural identity, language and values is recognized. This has been an ongoing challenge for many marginalized groups of children, including indigenous children and children belonging to ethnic minority groups. Many of these marginalized groups of children are unable to access a learning environment that is inclusive, and where they are able to learn in their own language and within their own cultural environment. Because marginalization often occurs on the basis of identity, the right of the child to have his or her identity respected in a learning environment can require specific measures to be put in place. In some countries in Latin America and the East Asia and Pacific region, national language policies that respect indigenous languages have been adopted, and bilingual teacher training colleges and primary-level bilingual education have been instituted.[66]

### The right of the child to participate

40. The right to education also implies that schools should be child-friendly in the fullest sense of the term, including with respect to article 12 of the Convention, in which children's evolving capacity to express their views is recognized, and that

[62] See, for example, the UNESCO Education for All global monitoring reports, available from https://en.unesco.org/gem-report/reports.

[63] UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015* (see footnote 13), pp. 191-192.

[64] See www.prathamusa.org/programs/aser; also UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015* (see footnote 13), p. 192.

[65] See Committee on the Rights of the Child, general comment No. 1 on the aims of education, para. 8.

[66] See, for example, UNESCO, *Improving the quality of mother tongue-based literacy and learning: case studies from Asia, Africa and South America* (Bangkok, 2008).

these views should be given due weight in accordance with the age and maturity of the child. Schools should promote, as part of the process of learning and experiencing the realization of rights, the participation of the child in school life; the creation of school communities and student councils; peer education and peer counselling; and the involvement of children in school disciplinary proceedings.

**Respect for integrity and freedom from violence**

41. According to article 19 of the Convention, children have a right to feel safe and be free from violence in all settings, including in school and on the way to and from school. However, an estimated 246 million children experience violence in school every year. Evidence from UNESCO and the United Nations Girls' Education Initiative demonstrates that school-related gender-based violence is a global phenomenon, affecting both boys and girls.[67] Attacks against girls seeking access to education remain particularly problematic.[68]

42. Violence in schools reflects underlying social norms regarding authority and expected gender roles, and seriously undermines efforts to achieve a safe, inclusive and equitable learning environment.[69] Teachers may threaten students with negative assessments of their school achievements or by refusing to issue a school certificate, a practice known as "sex for grades".[70] Children in conflict and emergency settings and those from marginalized groups are particularly at risk of violence and its long-term consequences.[71]

43. In its general comments No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and No. 13 on the right of the child to freedom from all forms of violence, the Committee on the Rights of the Child rejects any justification of violence and humiliation as forms of punishment for children, including corporal punishment. However, only 124 countries have banned corporal punishment in schools to date. In the European Union, only 19 of the 28 member States currently have explicit legislation banning corporal punishment.[72] There is a need for child-friendly approaches to discipline and classroom management that support a protected learning environment.

44. Bullying, whether physical, verbal or relational, is also a growing protection issue that sometimes affects specific vulnerable groups, including children with disabilities; children affected by migration; asylum-seekers or refugees; indigenous

[67] See United Nations Girls' Education Initiative, policy paper 17, "School-related gender-based violence is preventing the achievement of quality education for all" (March 2015), pp. 2-3; and M. Dunne et al., *Gendered School Experiences: The Impact on Retention and Achievement in Botswana and Ghana* (United Kingdom Department for International Development, London, 2005).

[68] See United Nations Girls' Education Initiative, *Background paper on attacks against girls seeking to access education*, available from www.ohchr.org/Documents/Issues/Women/WRGS/Report_attacks_on_girls_Feb2015.pdf.

[69] Plan International, *A girl's right to learn without fear: working to end gender-based violence at school* (Woking, United Kingdom, 2013).

[70] See L. Antonowicz, "Too often in silence" a report on school-based violence in West and Central Africa (UNICEF and others, March 2010), p. 5.

[71] See S. Walker and others, "Child development: risk factors for adverse outcomes in developing countries" *The Lancet*, vol. 369, No. 9556 (2007).

[72] See www.endcorporalpunishment.org/assets/pdfs/briefings-regional/EU%20briefing%20May%202015%20FINAL.pdf.

children or ethnic, racial, linguistic, cultural or religious minorities; and lesbian, gay, bisexual, transgender and intersex children and youth. The Committee asserts that "a school which allows bullying or other violence and exclusionary practices to occur is not one which meets the requirements of article 29 (1).[73] UNFPA supports work with young men and boys on women and girls' rights and through advocacy and implementation of comprehensive sexuality education.[74]

45. There have been a number of innovative, programmatic interventions aimed at violence prevention and response within local contexts. For example, Raising Voices, a non-profit organization based in Kampala, works towards the prevention of violence against women and children and has developed a Good School Toolkit aimed at reducing physical violence by school staff against primary school students, through helping teachers establish a positive and non-violent school culture and disciplinary methods.[75] In Honduras, the Ministry of Education has developed School Regulations for Reduction and Prevention of All Forms of Violence in Centres of Education to address systemic violence against children, including in and around schools.

**Protection of schools from attack**

46. In contexts affected by armed conflict, attacks against schools constitute a grave violation against children under Security Council resolutions 1612 (2005) and 1998 (2011), and trigger mandatory monitoring and reporting to the Security Council if and when they occur. As was noted in the 2014 annual report of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the right to education is often gravely affected by attacks on, and the widespread military use of, schools and by attacks and threats of attacks against teachers (see A/HRC/28/54). The Office of the Special Representative, UNESCO, UNICEF and WHO issued a guidance note on attacks on schools and hospitals to strengthen monitoring, reporting and response to such violations.[76] The Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Special Envoy for Global Education, the Special Rapporteur on the right to education, the Committee on the Rights of the Child, UNICEF, UNESCO and the Global Coalition to Protect Education from Attack have all called for stronger accountability measures to protect schools from attack, including making the prohibition clear in national law, training military officers on their obligations not to use schools, and prosecuting individuals associated with, or responsible for, attacks on schools. In emergency settings, the Minimum Standards of the Inter-Agency Network for Education in Emergencies call for minimization of the use of educational facilities as temporary shelters, stating that they should be used only as a last resort, and with agreement on a date for returning the educational facility to its original function.

47. Significant efforts to protect the right to education for children have been made at the country level in response to attacks on schools. During the conflict in

[73] See Committee on the Rights of the Child, general comment No. 1 on the aims of education, para. 8.

[74] Submission from UNFPA for the purposes of the present report.

[75] See http://raisingvoices.org/good-school/.

[76] See S/RES/1998 (2011); and Office of the Special Representative of the Secretary-General on Children and Armed Conflict, "Protect schools and hospitals: guidance note on Security Council resolution 1998" (May 2014).

Nepal, for example, communities, with the support of UNICEF, established the Schools as Zones of Peace initiative, which engaged political actors and armed groups more directly through agreements to respect a code of conduct that was established at the school, village and district levels. Ongoing advocacy to enforce the code of conduct resulted in fewer school closures and fewer incidents of misuse of schools by parties to the conflict.[77]

# V. Ways forward

48. The following recommendations may serve as a broad frame of reference for the continuing work of Governments, in cooperation with children and their communities, civil society, the private sector and relevant United Nations, regional and other human rights mechanisms, as well as with OHCHR, UNICEF, UNESCO and other United Nations entities, to further enhance implementation of the right to education:

**Strengthen the right to education within national legal, policy and regulatory frameworks**

49. The right to education for many children is still precarious at best and must be secured and enforceable within national legal frameworks. This requires strong national legal and policy frameworks that lay the foundation and conditions for the delivery and sustainability of quality education. Moreover, effective legal instruments must address the multiple dimensions of inequality, particularly for those left furthest behind. Such legislation must also secure the right of the child to be free from all forms of violence, with children entitled under national law to seek redress for violations of their rights.[78] It is equally necessary to secure adequate human and budgetary resources to ensure effective enforcement and monitoring of progress.[79]

50. In his 2011 report on the promotion of equality of opportunity in education, the Special Rapporteur stated that a strong regulatory framework for the public and private education systems grounded in the principle of equality of opportunity provides the essential basis for the establishment of an entire range of programmes and policies aimed at ensuring equality of opportunity (see A/HRC/17/29, para. 72). Prevailing disparities, he underscored, must be given special consideration and policy measures must make learning accessible for the most marginalized and vulnerable.

[77] See http://resourcecentre.savethechildren.se/sites/default/files/documents/4541.pdf; and www.protectingeducation.org/sites/default/files/documents/schools_as_zones_of_peace_szop_education_for_stabilization_and_peace_building_in_post-conflict_nepal.pdf.

[78] For example, the Special Rapporteur points to the landmark United States Supreme Court Case, *Brown v. Board of Education* (1954) that formally ended racial segregation in schools, and which has subsequently provided a legal basis for challenging racial inequality. See A/HRC/23/35.

[79] See Office of the Special Representative of the Secretary-General on Violence against Children, *Tackling violence in schools: a global perspective — bridging the gap between standards and practice* (New York, March 2012), p. 47.

**Strengthen and integrate accountability and oversight mechanisms at all levels, including for private providers**

51. Accountability and oversight mechanisms are essential for tracking learning outcomes, inequities in access, completion rates, effective resource allocations, teacher performance and other aspects of quality education.[80] As recommended by the Committee on Economic, Social and Cultural Rights, States parties must closely monitor education — including all relevant policies, institutions, programmes, spending patterns and other practices — so as to identify and take measures to redress any de facto discrimination. Educational data should be disaggregated by the prohibited grounds of discrimination.[81] The right to education should be incorporated into legislation and regulations, and, where these exist, accessible child-sensitive counselling, reporting and complaint mechanisms should be put in place.[82] This includes strengthening community-based accountability mechanisms such as school governing bodies, parent-teacher associations and teachers' unions to make them more effective contributors to quality education. Training and capacity-building for judges and lawyers to address claims should also be undertaken. Independent national human rights institutions and ombudspersons for children should be empowered to monitor and investigate complaints and follow up on progress. These functions must be adequately financed, in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[83]

**Improve and monitor quality**

52. The realization of the right to education necessitates States and the international community at large ensuring that no child leaves school unequipped to face life's challenges. Quality education for all children requires them to learn literacy, science, mathematics and technology. However, children must also be taught the life skills necessary to make well-balanced decisions; peacefully resolve conflicts; and develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities that will enable them to pursue their options in life.

53. A common framework at the national and international levels that defines, measures and monitors the quality of education is essential. Learning outcomes should be monitored through national and regional assessments. Learning and achievement gaps must be identified and addressed through targeted interventions so that all children, including the most marginalized and vulnerable, enjoy quality education.

[80] See UNESCO, *Education for All Global Monitoring Report 2009, Overcoming Inequality: Why Governance Matters* (Paris, 2008).

[81] Committee on Economic, Social and Cultural Rights, general comment No. 13 , para. 37.

[82] See Special Representative of the Secretary-General on Violence against Children and the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, "Safe and child sensitive counselling, complaint and reporting mechanisms to address violence against children" (September 2012), p. 22.

[83] General Assembly resolution 48/134, annex.

**Improve access to early childhood education**

54. Children have the right to receive the support they need for their development, and evidence shows that investment in early learning and development creates a tremendous return in health, educational and other human capital outcomes later on.[84] Pre-primary enrolment has increased, but inequitably, disproportionately benefiting children in wealthier, urban areas. Expanding access to early childhood development, care and pre-primary education, whether formal or informal, is critical to strengthening development learning outcomes and reducing inequity.

**Expand inclusive, integrated social protection systems**

55. Discriminatory policies and practices, together with unequal power relations, continue the exclusion of the most marginalized girls and boys from access to quality education. The experiences of marginalized children underline the damage that can be inflicted by bad policies in many countries. Education authorities persistently discriminate against children from marginalized communities, denying them their right to education. Addressing the root causes of discrimination and poverty is fundamental to creating a basis for all children to benefit equally from educational programmes. Strong social protection policies and programmes are essential to achieving equity for children, and are also the bedrock of national human and economic development. Entrenched disparities, together with recent trends, have brought into stark focus the importance of inclusivity and an integrated approach. Integrated social protection systems, which take a multisector approach and invest in sustainable national systems, are best positioned to foster children's resilience in the face of threats to their health and well-being, such as can easily occur in the context of poverty, climate change, epidemics, conflicts and urbanization.[85]

**Finance free, quality education available and accessible to all children**

56. States must ensure universal access to free quality education, at least at the primary level. While States are not required to deliver education themselves, almost all countries have extensive publicly funded and managed education systems, although education continues to receive an inadequate share of government spending in many countries. The indicative benchmark for an education budget set by the Education for All Fast-Track Initiative (now known as the Global Partnership for Education) was 20 per cent of the total budget. This is widely accepted as a reasonable target, particularly in countries with large numbers of school-age children and low enrolment rates. However, some countries allocate less than 10 per cent of their budget to education.[86] Furthermore, resources allocated to education often disproportionately benefit the wealthiest children. Financing for education as part of humanitarian aid also requires urgent attention. Conflict-affected countries are the most off-track in reaching basic educational outcomes, yet education is one of the most underfunded sectors in the humanitarian appeals process, currently

[84] See UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015* (see footnote 13).

[85] See www.unicef.org/socialprotection/framework/files/Social_Protection_Strategic_Framework_7Mar12_low_res.pdf.

[86] Of 24 low-income countries with data, only 5 allocated more than 20 per cent of the government budget to education. See UNICEF, *The Investment Case for Education and Equity* (New York, 2015), pp. 49-50.

receiving approximately 2 per cent of overall aid.[87] There is a need to evaluate the extent to which the distribution of educational resources is achieving equitable outcomes for children and can be readjusted accordingly, so that resources are allocated where they are most needed. This can be done by tracking and reporting on spending policies in order to strengthen transparency and accountability, with recognition of the need to adopt special measures targeted at addressing inequity in educational access and quality.

**Prevent and address violence in and around schools**

57. States must provide children with access to confidential counselling and complaints and reporting mechanisms if they are subjected to violence in school. Likewise, school staff must be able to recognize cases of violence and, for serious violent incidents in schools, there must be a clear contact protocol for police and other authorities.[88] A road map to better combat school-related gender-based violence must be developed in collaboration with United Nations agencies and other partners.[89] It is also crucial to strengthen research and consolidate data systems on all forms of violence against children, including physical, psychological, sexual and gender-based violence and bullying. Where corporal punishment is not effectively banned in national legislation, States must enact and enforce legislation on the protection of children, and train teachers and school officials in the use of positive rights-based disciplinary measures.

**Protect schools from violence and attack**

58. Since more than 50 per cent of out-of-school children live in conflict-affected countries, immediate measures safeguarding the right to education for children in conflict and emergency situations are necessary.[90] Regarding attacks on schools, States are called upon to take decisive and immediate action against persistent perpetrators of such violations, including by means of national and international justice mechanisms, and mixed criminal courts and tribunals, with a view to ending impunity.[91] School staff and students should be made aware of the prohibition against occupation, use or attacks on schools, including how to report violations through the monitoring and reporting mechanism on grave violations against children, where applicable.

**Strengthen partnerships**

59. The post-2015 Sustainable Development Goals present new opportunities and challenges for the realization of the right to education that will require innovative collaboration. Existing partnerships such as the United Nations Girls' Education

[87] See UNESCO, *Global Monitoring Report 2012: Financing Education for All* (Paris, 2012), p. 151. See also Global Education Cluster, "Education cannot wait: financing education in emergencies — challenges and opportunities" (6 June 2013), available from http://educationcluster.net/?get=001687%7C2014/06/Education-Cannot-Wait-2013-Analysis.pdf.

[88] Office of the Special Representative of the Secretary-General on Violence against Children, *Tackling violence in schools: a global perspective — bridging the gap between standards and practice* (New York, March 2012), p. 40.

[89] UNESCO, *Education for All Global Monitoring Report, Education for All 2000-2015* (see footnote 13), pp. 189-217 (Goal 6, quality of education).

[90] See UNICEF, *The investment case for education and equity* (New York, 2015).

[91] See Security Council resolution 1998 (2011).

Initiative, the Global Partnership for Education, the Global Business Coalition for Education and the Global Education First Initiative have achieved significant results in improving educational access for girls and other marginalized groups, and must be reinforced.

60. There is tremendous potential to leverage existing resources within educational institutions to ensure access to education and strengthen quality. Partnerships with the private sector and universities have extensive capacity for theoretical and action-oriented research that can support the development at the local level of monitoring frameworks for quality education. Partnerships should also be developed to strengthen online collaboration, distance learning and other innovations, guided by a human rights-based approach. Finally, strengthening South-South and North-South cooperation for capacity development, research, monitoring and evaluation should be directed towards addressing critical components of realizing the right to education, such as achieving equity in educational access, improving quality and documenting good practices.